

REMARKS

Claims 1 to 21 continue to be in the application.

The Office Action refers to *Drawings*

The drawings were received on 02/15/07. These drawings are accepted.

Applicant appreciates that the drawings have been found too be in order.

The Office Action refers to Claim Objections

Claim 13 is objected to because of the following informalities: in line 24, "rotatable" should be "rotatable". Appropriate correction is required.

The present amendment corrects the spelling error kindly pointed out in the Office Action.

The Office Action refers to Claim Rejections - 35 USC§112.

Claims 1-21 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 1,8,13, and 17, recites the limitation "spindle-like". The phrase "like" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "like"), thereby rendering the scope of the claim(s) unascertainable. See MPEP§2173.05(d).

The rejected language is now being cancelled from claims 1, 8, 13, and 17.

The Office Action refers to Claim Rejections - 35 USC § 102.

Claims 1,3 and 7 stand rejected under 35 U.S.C. 102(b) as being anticipated by Von Weissenfluh et al (USPN 5,626,475). Von Weissenfluh et al discloses a dental matrix retainer used as an aid when filling two- surface cavities in the molars, with a matrix holder (1) and a device for tensioning a matrix band placed in the form of a loop around the tooth which is to be treated, the matrix holder (1) being composed of a housing (6) with a circular opening (through which spindle 7 is received), and of a spindle-like inner body (7) which can turn in this opening and which is provided with a gap (7b), said gap (7b) being able to be aligned with a slit (6b) in the wall of the housing (6) such that the superposed ends of the matrix can be inserted into this slit (6b) and into the gap (7b) aligned therewith and can be tensioned on the tooth by turning the inner body (7), characterized in that a toothed wheel (7c) is provided on the upper end of the spindle (7) protruding from the circular opening of the housing (6), said toothed wheel (7c) is capable of being engaged immediately and contact directly with a drive device (2) which has a laterally outwardly extended drive shaft (10). To claim 3, the drive device (2) is composed of the drive shaft (10) and of the drive pinion (9) arranged at one end thereof. To claim 7, col. 3 lines 1-7 discloses a two part device; a matrix holder (1) and drive device (see also Fig. 5) wherein drive pinion (9) can be engaged and disengaged with a crown wheel (8b) of inner body (7).

The present amendment adds language to claim 1 from claim 5, which language should place claim 1 into allowable form.

Since claims 3 and 7 are dependent on claim 1, allowability of claim 1 should also render claims 3 and 7 allowable.

The Office Action refers to Claim Rejections - 35 VSC § 103

Claims 2 and 4 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Von Weissenfluh et al. Von Weissenfluh et al discloses that there is a toothed wheel at the upper end of spindle (7) being fitted with a separate crown wheel (8b) which is capable of being brought into proximate engagement with a drive pinion (9) belonging to the drive device (2), which drive pinion (9) can be turned via a laterally outward extended drive shaft (10). However, Von Weissenfluh et al does not teach that the toothed wheel being a crown wheel. It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the toothed wheel integral with the crown wheel, since it has been held that forming in one piece an article which has formerly been formed in two pieces and put together involves only routine skill in the art. *Howard v. Detroit Works*, 150 U.S. 164 (1893).

As to claim 4, Von Weissenfluh et al shows in figure 7 that the drive pinion (9) is slightly beveled at its front face.

As claims 2 and 4 are depending on claim 1, then putting claim 1 into allowable form should also render claims 2 and 4 allowable.

The Office Action refers to Allowable Subject Matter

Claims 6 and 8-21 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action

Claims 5 and 11 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

The indication of allowability of claims 8 to 21 is very much appreciated.

The finding of allowable subject matter in claims 5 and 11 is thankfully accepted. The language of claim 5 apparently distinguishing over the state of the art has been transferred from claim 5 to claim 1 and is deemed to put claim 1 into allowable form.

The following is a statement of reasons for the indication of allowable subject matter: the prior art fails to disclose or reasonably teach the drive shaft being rotatable within a tubular sleeve in combination with the other limitations of claim 8; also there is no teaching of a drive worm being furnished at the end of the rotatable drive shaft and bringable into engagement with a toothed wheel in combination with the other limitations of claim 17.

Applicant appreciates the reasoning supporting the allowability of the claims.

Reconsideration of all outstanding rejections is respectfully requested.

Entry of the present response is respectfully requested. All claims as submitted are deemed to be in form for allowance and an early notice of allowance is earnestly solicited.

Respectfully submitted,

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